

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION  
Civil Action No.**

9:21-cv-03017-DCN

MYRTIS M. PARKER,

Plaintiff,

v.

ENMARKET,

Defendant.

**NOTICE OF REMOVAL BY  
DEFENDANT ENMARKET STATIONS, INC.**

**Jury Trial Demanded**

Now Comes Defendant Enmarket Stations, Inc., (incorrectly named Enmarket) and hereby removes this civil action to the United States District Court for the District of South Carolina pursuant to 28 U.S.C. 1441(a), and in support thereof states:

1. This is a civil action in which the Plaintiff is seeking to recover insurance coverage for damages allegedly suffered as a result of a fall on or about October 7, 2020 in Beaufort County.

2. The Plaintiff filed suit on August 19, 2021, in the Court of Common Pleas, Beaufort County, South Carolina, which is within the Beaufort Division of this Court. 28 U.S.C. § 121 (3). The Plaintiff's original Complaint is attached to this Notice. (**Exhibit A: Complaint**).

3. In her Complaint, Plaintiff alleges that she is a resident of South Carolina. (¶ 1).

4. Defendant is organized under the laws of and has its principal place of business in Georgia.

5. Certain actions brought in state court may be removed to Federal Court pursuant to 28 U.S.C § 1441 (a). The procedure for removal to Federal Court is governed by 28 U.S.C. § 1446.

6. There is complete diversity of citizenship between the Plaintiff and Defendant. Plaintiff is a citizen of the State of South Carolina, and the Defendant is a Georgia corporation with its principal place of doing business in Georgia.

7. The Plaintiff's Complaint does not state a specific amount of damages being sought. The Complaint is silent as to whether the amount in controversy is satisfied. However, the Plaintiff seeks damages for actual (including extensive and expensive medical treatment and lost wages) and punitive damages. (Complaint, Prayer p. 4). As such, the amount in controversy is satisfied. *See Woodward v. Newcourt Commercial Finance Corp.*, 60 F. Supp. 2d 530 (D.S.C. 1999).

7. Moreover, this case is removed within 30 days of the Defendant receiving written notice of the Plaintiff's Complaint.

8. Pursuant to the provisions of 28 U.S.C. § 1446 (a), Defendant is attaching all process and pleadings served by it or to it in the state court action. (**Exhibit B:** Remaining state court filings).

9. The Defendant will provide notice of this removal to the Clerk of Court of the Beaufort County Court of Common Pleas and shall request an Acknowledgement from the Clerk and, upon receipt, will file it with this Court.

WHEREFORE, Defendant respectfully files this Notice of Removal so that this case may proceed in the United States District Court, District of South Carolina, Beaufort Division and that no further proceedings be held in said case in the Court of Common Pleas, County of Beaufort, State of South Carolina, and for such other further relief as the Court deems just and proper in the circumstances.

MURPHY & GRANTLAND, P.A.

*s/Jeffrey C. Kull*

Jeffrey C. Kull, Esquire (Fed ID# 7864)

P. O. Box 6648

Columbia, SC 29260

Phone (803) 782-4100

Fax (803) 782-4140

Email: [jrmurphy@murphygrantland.com](mailto:jrmurphy@murphygrantland.com);

[jkull@murphygrantland.com](mailto:jkull@murphygrantland.com)

Attorneys for Defendant

Columbia, South Carolina